

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

STRIKE 3 HOLDINGS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:18-cv-00744 (LO/TCB)
)	
JOHN DOE,)	
)	
Defendant.)	
)	

ORDER

THIS MATTER comes before the Court on Defendant's *ex parte* letter which the Court treats as a Motion for Extension of Time to File a Motion to Quash or Vacate the Subpoena. Defendant seeks an extension in order to locate and retain an attorney in this case. Defendant requests the extension because he claims he is an active-duty member of the United States military and will be deployed as part of Hurricane Florence relief efforts. The Court is unwilling to grant Defendant's Motion as it late and lacks sufficient evidentiary support.

It appears that Defendant's Internet Service Provider ("ISP") notified Defendant of the subpoena on August 10, 2018. The ISP informed Defendant that the subpoena had a return date of September 17, 2018, and that swift action was necessary. However, Defendant failed to take any action until September 12, 2018, when he finally mailed the Motion which the Clerk did not receive until September 14, 2018, the Friday afternoon before the subpoena's return date, and the Court could not address until Monday, September 17, 2018, the date for the subpoena's return. Besides being late, the Motion also did not provide any evidence in support of Defendant's claim that he is an active-duty member of the military and had deployment orders.

In addition, Defendant has not set forth any reasons for why this Court should grant a potential motion to quash. This Court has considered motions to quash in nearly-identical cases and found them unavailing. See, e.g., Order, Malibu Media, LLC v. Doe, No. 1:18-cv-00662-LO-TCB (E.D. Va. Sept. 14, 2018), ECF No. 25. Accordingly, it is hereby

ORDERED that Defendant's *ex parte* Motion for an Extension of Time to File a Motion to Quash or Vacate the Subpoena is DENIED.

ENTERED this 18th day of September, 2018.



THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia

/s/
Theresa Carroll Buchanan
United States Magistrate Judge